

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the outstanding grounds of objection and/or rejection are respectfully requested in light of the above amendments and the remarks that follow.

Among the various rejections, the Examiner has rejected the sole independent claim 1 under 35 U.S.C. § 102 as anticipated by any one of Smith (US 4,043,421); Piasecki (US 3,184,183); Heidelberg (US 3,039,537); Hulbert (US 2,955,780); or Bright (US 2,968,453) for the reasons stated in the Official Action.

By this Amendment, applicant has canceled original claims 1-5 and now submitted new claims 6-13, with claim 6 presented in independent format.

Claim 6 requires, inter alia, "at least one payload bay formed in said fuselage between said lift producing propellers and accessible from an opposite side of said longitudinal axis but wherein said payload bay extends within said fuselage to said one side of said longitudinal axis." The claim also requires at least two engines, each of which is capable of driving the lift producing propellers, noting that earlier in the claim, there is a requirement for at least one lift producing propeller on each side of the transverse axis of the fuselage."

In the Smith patent applied by the Examiner against original independent claim 1, the pilot compartment and the payload bay are separated along the longitudinal axis by at least the exhaust conduit 126, 128. As such, the compartment adjacent the pilot's compartment does not and cannot extend internally within the fuselage to the same side of the fuselage that contains the pilot compartment. In addition, Smith discloses a single turbine engine for driving the lift fans. Accordingly, Smith neither discloses nor suggests the subject matter of newly submitted independent claim 6.

In the Piasecki patent, and as most evident from Figure 2, operator and passenger seats 12a are shown on respective sides of the longitudinal axis. Piasecki neither discloses nor even remotely suggests a payload bay that is accessible from one side of the longitudinal axis but where the payload bay extends within the fuselage to the other side of the longitudinal axis. In addition, while Piasecki utilizes a pair of engines 21, 21a, Piasecki refers to this as a “common power plant” and there is no disclosure that each of the engines 21 and 21a is capable of driving all of the lift fans.

Accordingly, newly cited claim 6 is not anticipated by Piasecki.

The Heidelberg patent, like Piasecki discloses two operator or operator/passenger seats but does not disclose nor even remotely suggest a payload bay as required by new claim 6 as discussed hereinabove. In addition, Heidelberg discloses a single turbine engine for driving both lift fans. Accordingly, Heidelberg neither discloses nor suggests the subject matter of independent claim 6.

The Hulbert patent likewise discloses a pair of relatively narrow compartments on opposite sides of the longitudinal axis of the vehicle, along with a middle cavity, all referred to by reference numeral 16. Hulbert neither discloses nor suggests the payload bay on one side of the longitudinal axis of the fuselage that extends internally within the fuselage to the other side of the longitudinal axis. In other words, Hulbert fails to take advantage of the arrangement of compartments as in the present invention where the payload bay extends fully from one side of the fuselage, across the longitudinal axis and into the other side of the fuselage, permitting arrangements such as those shown in Figures 14a through 14b of the subject application. Hulbert also discloses only a single conventional turbo jet engine for driving the lift producing fans 23, 23'.

Accordingly, claim 6 is neither disclosed nor suggested by Hulbert.

The Bright patent discloses a ducted fan aircraft, a centrally located cockpit 14 and dual control station 16 on opposite sides thereof. There is no suggestion in Bright of the payload arrangement as now required by independent claim 6. In addition, the lift fans or propellers in Bright are each individually driven by separate motors 20, 40 with no suggestion that either motor is capable of driving both lift fans.

Accordingly, the subject matter of claim 6 is neither anticipated or rendered obvious by Bright.

With respect to the various dependent claims, none of the cited references discloses a payload bay incorporating a support capable of supporting at least a portion of the payload externally of the fuselage as required by claim 7. Similarly, none of the references discloses a payload bay having a cover which, in the opened position, provides support for at least a portion of the payload, also externally of the fuselage as required by claim 8.

With regard to dependent claim 9, none of the cited references discloses a payload bay having at least one seat facing outwardly, perpendicular to the longitudinal axis. While the Examiner has previously argued that the seat arrangement is nothing more than an obvious matter of design choice because the claimed arrangement does not solve any particularly stated problem, the Examiner is referred to the specification wherein the perpendicular arrangement does in fact solve problems relating to, for example, the placement of stretchers in medical evacuation operations (see Fig. 14B), and which permits ease of access to utility lines (see Fig. 14D). Accordingly, it is improper for the Examiner simply to assert obvious matter of design choice with respect to the subject matter of dependent claim 9.

With regard to dependent claim 10, none of the references cited and applied by the Examiner disclose a cover for the payload bay that is hinged on the same side of the fuselage as the other compartment (for example, the pilot compartment).

With regard to dependent claim 11, the Piasecki reference cited by the Examiner discloses a series of rigid plates extending below the fuselage. These plates do not comprise a “flexible skirt” as required by claim 11.

With regard to dependent claim 12, none of the references cited and applied by the Examiner disclose vanes extending parallel to the longitudinal axis extending across the inlet side of the lift producing propellers.

Dependent claim 13 is patentable by reason of its dependence upon claim 6.

Finally, the Examiner has declined to consider the Information Disclosure Statements of February 23, 2006, June 23, 2006 and October 3, 2006. The February 23, 2006 Statement was objected to apparently for failure to include a legible copy of each cited foreign patent document, each non-patent literature publication or that portion which caused it to be listed, and all other information that caused it to be listed.

The only non-patent document cited in the February 23, 2006 Statement was the English language WO 02/098732 A2. The corresponding U.S. Patent No. 6,883,748 was cited in the June 23, 2006 Statement, rendering the issue moot. Nevertheless, a copy of WO 02/098732 A2 is enclosed herewith.

The June 23, 2006 and October 3, 2006 Statements were objected to for failing to provide a statement of relevance regarding a single foreign language patent cited in each.

The June 23, 2006 Statement included a non-English Swedish Patent No. 184314 that was briefly described. In any event, a translation of that patent is submitted herewith.

The October 3, 2006 Statement included a non-English Italian Patent No. 666076, again with a brief explanation. A new PTO/SB/08/a form is submitted herewith, citing only an English language Abstract of the Italian patent at issue.

It is unclear why the Examiner declined to consider any reference cited in the three Information Disclosure Statements. Surely the other properly cited references (the vast majority of those cited) could have been considered to expedite prosecution of the application. In any event, consideration of all references in the three identified Information Disclosure Statements is requested.

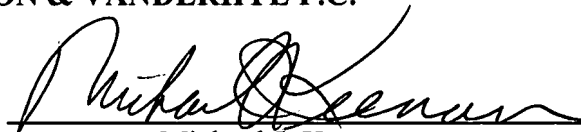
The application is now in condition for allowance, and early passage to issue is respectfully requested. In the event, however, any small matters remain outstanding, the Examiner is encouraged to telephone the undersigned so that the prosecution of this application can be expeditiously concluded.

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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